

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE LOWER MANHATTAN DISASTER SITE
LITIGATION

Case No.: 21 MC 102 (AKH)

JOSEPH GARCIA (AND WIFE, CAROL GARCIA),

Docket No.: 07-CV-1500-AKH

Plaintiff(s),

-against-

ONE WALL STREET HOLDINGS, LLC, *et al.*,

Defendant(s).

**STIPULATION OF
DISCONTINUANCE AS TO
DEFENDANT, NASD, NASDAQ
STOCK MARKET, INC., THE
AMERICAN STOCK EXCHANGE,
LLC, AMERICAN STOCK
EXCHANGE CLEARING LLC,
AMERICAN STOCK EXCHANGE
REALTY ASSOCIATES LLC and
NEW YORK CITY INDUSTRIAL
DEVELOPMENT AGENCY, ONLY.**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendants NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., NASDAQ STOCK MARKET, INC., THE AMERICAN STOCK EXCHANGE, LLC, AMERICAN STOCK EXCHANGE CLEARING LLC, AMERICAN STOCK EXCHANGE REALTY ASSOCIATES LLC and NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY (REGARDING PROPERTIES LOCATED 1 LIBERTY PLAZA, NEW YORK, NEW YORK AND 78/86 TRINITY PLACE, NEW YORK, NEW YORK, ONLY), only as to the claims being made as to the premises located at One Liberty Plaza, New York, New York shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the course of the litigation which determines that the defendants are proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendants shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
January 30, 2008

McGIVNEY & KLUGER, P.C.
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NASD, NASDAQ STOCK MARKET, INC.,
THE AMERICAN STOCK EXCHANGE, LLC,
AMERICAN STOCK EXCHANGE CLEARING
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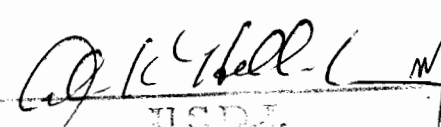
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TO CLERK

6/17/08


USDA